

30 September 1953

OGC Has Reviewed

MEMORANDUM FOR: CHIEF, FE/ADMIN

VIA : COM-3D/P

SUBJECT : Credit of Overseas Service with Military Forces
towards Two Years Abroad

REFERENCE : Your memorandum to Chief of Administration, DD/P,
dated 19 August 1953, requesting legal decision on
above subject

1. The reference requests a legal opinion on the question whether time served overseas by a military officer with CIA may be credited towards the "required two years." This inquiry is equally pertinent to an officer whose overseas service with the military is unrelated to CIA activity, but who on termination of his active status is recruited and employed by CIA in a staff capacity.

2. Your question requires consideration from two standpoints: the first, whether military service may be counted towards the normal requirement of a two-year overseas tour, and the second, whether such service is creditable towards the necessary two continuous years abroad to entitle the individual to return for leave in the United States at Government expense.

3. Regarding the first aspect, we are unable to find any law or regulation which would preclude the Agency as a matter of policy from authorizing full credit for overseas military service towards its normal requirement of a two-year tour where the officer terminated his military service and, without prior return to the United States, entered upon employment with CIA. It should be noted, however, that inflexible adherence to any such policy would burden CIA with immediate expenses of return travel for officers who had already completed twenty-four months abroad with the military or who would imminently do so. In addition, such authority does not contemplate the utilization of permanent change of station orders to escape the limitations set forth below upon the Agency's ability to provide leave in the United States at Government expense. We would, therefore, suggest in such cases the propriety of reaching an understanding with the individual concerned in advance of formal recruitment with regard to his obligations of continued service abroad.

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Office of General Counsel

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